

**FILED**

JAN 22 2008

**Carol E. Higbee, P.J.Cv.**

**In re BEXTRA®/CELEBREX®  
LITIGATION**

**APPLICABLE TO ALL CASES**

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: ATLANTIC COUNTY  
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: CASE NO.: 272  
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: CIVIL ACTION  
: BEXTRA®/CELEBREX® LITIGATION  
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: **ORDER**  
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THIS MATTER having come before the Court upon agreement of Defendants Pfizer Inc., Pharmacia Corporation, and G.D. Searle LLC (collectively "Defendants") and Plaintiffs' Liaison Counsel for entry of an Order,

IT IS ON THIS 22 day of January 2008, hereby ORDERED that, in those cases which are part of the initial trial discovery pool (as listed in Exhibit "A" hereto), discovery shall proceed as follows:

1. For those non-death plaintiffs who are part of the initial trial discovery pool, discovery shall include, in each case, the depositions of:
  - a. plaintiff;
  - b. plaintiffs' spouse or significant other;
  - c. prescribing physicians;
  - d. the cardiologist, or other physician who provided significant cardiac care to plaintiff in the hospital related to the acute event;
  - e. another cardiologist who provided significant out of hospital treatment to plaintiff; and

f. two(2) or three(3) sales representatives.

2. For those death cases which are part of the initial trial discovery pool, discovery shall also include the depositions of personal representative of the decedent and any statutory beneficiaries of the decedent with personal knowledge of the decedent's medical condition(s) and medical personnel who examined the decedent (*e.g.*, coroners and pathologists).

3. First priority in questioning at deposition of any prescribing or treating physician shall alternate from case to case between the parties with Pfizer having first priority of the oldest docketed case. Thereafter this order shall alternate case to case as set forth in Exhibit A. Whichever party is responsible for taking the priority in questioning shall be responsible for payment of the physician's hourly fee and expenses for the deposition.

The following deadlines shall apply to the conduct of fact discovery in each of the initial trial discovery pool cases:

4. Pfizer shall produce a complete list of Bextra and Celebrex sales representatives that detailed plaintiffs' prescribers and the dates they detailed no later than January 11, 2008. If the plaintiff alleges injury from taking Bextra, Pfizer shall not be required to identify: (a) any sales representative who stopped detailing the prescribing physician(s) before April 2002 or who did not start detailing the prescribing physician(s) until after April 2005; (b) any sales representative who stopped detailing the prescribing physician(s) one year or more before the date of the plaintiff's first Bextra prescription or began calling on the physician after the plaintiff's last Bextra prescription. If the plaintiff alleges injury from taking Celebrex, Pfizer shall not be required to identify any sales representative who stopped detailing the prescribing physician(s) one year or more before the date of the plaintiff's first Celebrex prescription or began calling on the physician after the plaintiff's last Celebrex prescription.

5. Plaintiffs shall identify two (2) to three (3) sales representatives they wish to depose no later than 15 days after receiving the sales representative list from Pfizer.

6. The parties shall complete the depositions of plaintiffs, plaintiffs' representatives, and plaintiffs' spouses by January 31, 2008.

7. Pfizer shall produce the custodial files of the sales representatives identified pursuant to ¶ 5 no later than February 29, 2008.

8. The parties shall complete treating physician depositions by February 29, 2008.

9. Sales representative and prescribing physician depositions shall be completed by April 18, 2008.

10. Sales representatives shall be deposed before prescribers in the oldest docketed case. Thereafter this order shall alternate case to case as set forth in Exhibit A.

11. Fact witness discovery shall be completed by May 2, 2008.

12. Five (5) business days prior to the deposition of any Plaintiff's non-prescribing physicians, the following materials shall be produced by Defendants to Plaintiff's counsel:

- a. Call records from the Sherlock and Nucleus databases relating to contacts regarding Bextra® and/or Celebrex® between any sales representative and the physician to be deposed;
- b. record of each expense, honoraria and fees paid to the physician to be deposed, provided that Pfizer has ever paid or provided consideration to the physician on the subject of Bextra® and/or Celebrex® as a "key opinion leader", a member of Pfizer's speaker program, or as a member of a Pfizer cardiovascular advisory board.

13. The productions referenced in paragraph 12: (a) will be produced to Plaintiff's counsel who submitted the Plaintiff's Fact Sheet in the particular case, and (b) will be made via electronic image setting forth the relevant information and will be Bates numbered.

Dated: \_\_\_\_\_, 2008

  
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CAROL E. HIGBEE, P.J.Civ.

## EXHIBIT A

Langer, Sherman, No. L-0253-06 (Pfizer priority; sales representatives deposited first)

Carter, Forrest, No. L-3472-06 (Plaintiff priority; prescriber(s) deposited first)

Grutka, Constance, No. 5631-06 (Pfizer priority; sales representatives deposited first)<sup>1</sup>

Kugel, Stanley, No. L-6723-06 (Plaintiff priority; prescriber(s) deposited first)

Voorhees, Michael, No. L-12132-06 (Pfizer priority; sales representatives deposited first)

Eastman, Helen, No. L-13895-06 (Plaintiff priority; prescriber(s) deposited first)

Armstrong, Shannah, No. L-14440-06 (Pfizer priority; sales representatives deposited first)

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<sup>1</sup> Inclusion of Grutka in the core discovery pool is subject to the dismissal of plaintiff's Bextra claims.